S.B.Criminal Jail Revision No.45/2005
(Nemi Chand vs. State of Rajasthan)

Date of order : 13.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. Rakesh Ramawat, for the petitioner.
Mr. Ashok Upadhyaya, P.P. for the State.

By the instant criminal jail revision, the petitioner has challenged the judgment and order dt. 17.6.2004 passed by learned Sessions Judge, Merta (for short `the appellate court' hereinafter) in Criminal Appeal No.07/2004, whereby the appeal filed by the petitioner was dismissed and the judgment and order dt. 9.1.2004 passed by Judicial Magistrate, Merta (for short `the trial court' hereinafter) in criminal case No.239/2003 was affirmed. By the judgment and order dt. 9.1.2004, the trial court convicted the petitioner for the offences under sections 451 and 323 I.P.C., however, acquitted the petitioner of the offence under section 452 I.P.C. and sentenced him with a fine of Rs.1500/- for the offence under section 451 I.P.C. and in default of payment further to undergo one month's simple imprisonment and Rs.500/- for the offence under section 323 I.P.C. and in default of payment, further to undergo ten days' simple imprisonment.

I have heard learned counsel for the parties. Carefully gone through the judgments and orders of the trial court as well as of the appellate court. Both the courts below concurrently found the petitioner guilty for the offences noticed above and accordingly he was convicted taking a very lenient view on the point of sentence. There is neither any irregularity nor the material evidence as alleged to have been remained unconsidered, on the contrary, every piece of evidence was properly considered and appreciated by the trial court and on re-appreciation by a well reasoned judgment, the appellate court came to the conclusion that the prosecution has established the case against the petitioner beyond reasonable doubt. In the circumstances, therefore, there is no error, illegality or perversity in the order impugned warranting interference in the revisional jurisdiction.

Consequently, the jail revision fails and is hereby dismissed.

(H.R.PANWAR),J.

m.asif/-